

## **REMARKS/ARGUMENTS**

### **I. STATUS OF CLAIMS**

Claims 28, 32-33, 36, 40-41, 44, 48-49 and 52-60 are pending. Claims 1-27, 29-31, 34-35, 37-39, 42-43, 45-47 and 50-51 were previously cancelled without prejudice.

### **II. Claim Rejections under 35 U.S.C. § 103(a)**

Claims 28, 32-33, 36, 40-41, 44, 48-49 and 52-60 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yeh (US Patent No. 7,149, 911) in view of Crouch et al. (US Patent No. 6,970,080) and further in view of Kouropoulos (U.S. Patent No. 6,961,856). This rejection is respectfully traversed and reconsideration is respectfully requested.

The Applicant notes that Yeh has an earliest priority date of February 24, 2004. Please find attached a declaration of the inventor given pursuant to 37 CFR 1.131 in order to swear behind Yeh. This declaration shows that the invention was conceived at least as early as November 23, 2003, and that the inventor worked diligently to reduce the invention to practice from a time just prior to November 23, 2003 until the filing of the above-captioned application on March 30, 2004. Accordingly, the Applicant respectfully requests that Yeh be removed as a basis for this rejection and that the Examiner withdraw the rejection to these claims.

**Conclusion**

Claims 28, 32-33, 36, 40-41, 44, 48-49 and 52-60 are believed to be in condition for allowance. Thus, a Notice of Allowance is earnestly solicited. Please contact the undersigned at (503) 796-2997 regarding any questions or concerns associated with the present matter. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,  
Schwabe, Williamson & Wyatt, P.C.

Dated: 11/13/2007

/Kevin T. LeMond/  
Kevin T. LeMond  
Reg. No. 35,933

Pacwest Center, Suite 1900  
1211 SW Fifth Avenue  
Portland, Oregon 97204  
Telephone: 503-222-9981